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## State Water Board Drought Related Actions

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### 1976-1977 Drought Periods

- ➔ In January 1977, the State Water Board adopted a policy regarding water reclamation (**RESOLUTION NO. 77-1**). This [resolution](#) adopted in 1977 requires the State and Regional Water Boards to encourage water recycling projects for beneficial use using wastewaters that would otherwise be discharged to marine or brackish receiving waters or evaporation ponds. The resolution also specifies using recycled water to replace or supplement the use of fresh water or better water quality water, and to preserve, restore, or enhance in-stream beneficial uses, including fish, wildlife, recreation and esthetics associated with any surface water or wetlands.
- ➔ **Drought Notices (February 1977 – July 1977):** The State Water Board issued drought notices to the following twelve-classifications of diverters: (1) Diverters of significant amounts of surface water; (2) Russian River surface and well water diverters; (3) post-1927 diverters holding permits and licenses under the State Water Board jurisdiction (Sacramento/Feather Rivers); (4) Diverters of water from the Colusa Drain, (5) Diverters holding permits and licenses on the San Joaquin River; (6) Riparian Users not having contracts with USBR or agreements with DWR covering diversions from the Sacramento River above I St. Bridge and lower reaches of main tributaries (Riparians, Sacramento & Feather Rivers); (7) Diverters of water from Sacramento-San Joaquin Delta Channels; (8) Riparian Users not having contracts with USBR and Pre- 1914 Appropriators, diverting water from the Upper San Joaquin River and its tributaries; (9) Permittees & Licensees under jurisdiction of the State Water Board of the Sacramento River – Pre & Post 1927 Diverters not under contract with DWR or USBR with Notice of Impending User Policing (Sacramento & Feather); (10) Permit & License Holders with June 15, 1977 application numbers above A-5000 in the Delta Uplands not under contract with USBR or DWR – with notice of impending fact finding team investigations; (11) Riparian Users on the Sacramento, Feather and Yuba River not having contracts with USBR or DWR – with notice of impending fact finding team investigations; (12) Permit & License Holders with application numbers between A2286 & A5000 in the Delta Uplands not under contract with USBR & DWR with notice of impending fact finding team investigations.
- ➔ [Decision 1463](#) (March 2, 1977) – Lake Mission Viejo in Orange County: The State Water Board found that the proposed filling of Lake Mission Viejo under the current drought circumstances constituted both a waste and an unreasonable use of water in violation of Section 2, Article X, of the California Constitution.
- ➔ [Decision 1464](#) (March 17, 1977) – San Lorenzo River in Santa Cruz County: The State Water Board found that evidence established the existence of a **bonafide drought** and that because of the existing **drought conditions** the water rights holder (City of Santa Cruz) would have operational deficiencies. Accordingly, the State Water Board found that cause existed for modification of terms regarding minimum bypass flows for preservation of fish and wildlife.
- ➔ [Decision 1466](#) (April 21, 1977) – Newell Creek (tributary to San Lorenzo River – Loch Lomond Reservoir): The State Water Board found that although evidence established the existence of a **bonafide drought** and that because of the existing **drought conditions** the water rights holder would have operational deficiencies, cause **did not exist** to modify the relevant license conditions regarding releases for fishery preservation and maintenance.
- ➔ [Decision 1468](#) (April 21, 1977) – Feather River - Oroville Dam: The State Water Board found that the temporary project change proposed by Permittee was not substantial within the meaning of Water Code Section 10504.5. (Related to Marin Municipal Water District's petition to add a proposed temporary point of

rediversion to allow the permittee to make emergency delivery of approximately 11,000 af of State Water Project water to the District during the current **drought conditions**.)

- [Decision 1474](#) (September 22, 1977) – Groundwater Basins in Yolo County: The State Water Board's decision related to the issues regarding a large proposed groundwater transfer (the proposed extraction of groundwater in eastern Yolo County for sale, storage, export, and subsequent use in Kern County). The State Water Board found that (1) the proposal, which would result in an export of water from the Delta within the meaning of the Emergency Delta Regulation, could not be characterized as an essential use of water within the meaning of that regulation, (2) implementation of the proposal did not appear to be in the public interest, and (3) evidence presented at the hearing raised a substantial question as to whether extraction of water, as proposed, from the groundwater basin would constitute a reasonable method of diversion in accordance with 'Section 2, Article X of the California Constitution.

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### 1987-1992 Drought Periods

- **Water Transfers:** During this period, the State Water Board issued “drought” related orders, approving temporary urgency permits and/or change conditionally approving temporary urgency permit/changes to divert and use water pursuant to Chapter 6.5 and 6.6 (commencing with Section 1425 and 1435). The State Water Board consulted with the Department of Fish and Game (DFG) and concluded from available information that parties should be granted a temporary permit to divert and use water, subject to review and validation by the State Water Board as provided by Water Code Section 1425(d). The orders are posted at: Water Rights Orders [1987](#), [1988](#), [1989](#), [1990](#) and [1991](#) webpages.
- [Decision 1625](#) (February 15, 1990) – City of Santa Barbara in Santa Barbara County: The Board found that reclaimed water was available within the meaning of Water Code Section 13550 for irrigation of the Montecito Country Club. The State Water Board concluded that in view of the City's water supply and demand situation and its declaration of a **Stage II drought**, the Country Club should be required to cease use of potable water as soon as it is reasonably possible to commence use of reclaimed water. The use of potable water by Tsukamoto Sogyo Company, Ltd. (Company) for irrigation of the Montecito Country Club (Country Club) was found to be wasteful and unreasonable because reclaimed water was available within the meaning of Water Code Section 13550.

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### 2000-2002 Drought Periods

- **Water Transfers:** During this period, the State Water Board issued “drought” related orders, approving temporary urgency permits and/or change conditionally approving temporary urgency permit/changes to divert and use water pursuant to Chapter 6.5 and 6.6 (commencing with Section 1425 and 1435). The State Water Board consulted with the Department of Fish and Game (DFG) and concluded from available information that parties should be granted a temporary permit to divert and use water, subject to review and validation by the State Water Board as provided by Water Code Section 1425(d). The orders are posted at: Water Rights Orders [2000](#), [2001](#), [2002](#) webpages.
- [Revised Order WR 2002-13](#) (revised in accordance with [WRO 2002-16](#)) (December 20, 2002) – Colorado River in Imperial County: The State Water Board adopted the order conditionally approving a joint petition filed by the Imperial Irrigation District (IID) and the San Diego County Water Authority (SDCWA) for approval of a long-term transfer of conserved water from IID to SDCWA pursuant to an agreement between IID and SDCWA, and conditionally approving a petition filed by IID to change the point of diversion, place of use, and purpose of use under Permit No. 7643 (Application No. 7482).

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### 2007-2009 Drought Periods

- **Water Transfers:** During this period, the State Water Board issued “drought” related orders, approving temporary urgency permits and/or change conditionally approving temporary urgency permit/changes to divert and use water pursuant to Chapter 6.5 and 6.6 (commencing with Section 1425 and 1435 and section 1725, et seq). The State Water Board consulted with the Department of Fish and Game (DFG) and concluded from available information that parties should be granted a temporary permit to divert and use water, subject to

review and validation by the State Water Board as provided by Water Code Section 1425(d): The orders are posted at: Water Rights Orders [2007](#), [2008](#) and [2009](#) webpages.

- [Order WR 2009-0013-EXEC](#) (February 24, 2009) - San Joaquin River in San Joaquin County: The Board issued the order denying temporary urgency change regarding temporary relaxation of the February Delta Outflow Objectives in response to **drought conditions, in part, because hydrologic conditions changed from the time the petition was received**. The order was issued after the State Water Board held a hearing to receive evidence relevant to action on the petition for temporary urgency change filed on February 10, 2009, by the Department of Water Resources (DWR) and the United States Bureau of Reclamation (USBR) for relaxation of the February Delta Outflow and San Joaquin River Flow objectives contained in State Water Board Decision 1641 (D-1641). The Order states :” An urgent need for the proposed changes may well have existed at the time the petition was filed. Due to the passage of time and a change in hydrological circumstances from the time the petition was filed to the date of this order, however, an urgent need for the change no longer exists.”
- **Drought Notice: (February 26, 2009):** The Board issued Notice of Surface Water Supply to all surface water diverters in California. The notice states that “...after experiencing two years of drought, California's water reserves are extremely low in many parts of the state. The California water rights system is designed to provide for the orderly allocation of water supplies in the event that there is not enough water to satisfy everyone's needs. As a result, every water right holder has a priority, relative to every other water right holder. When there is insufficient water for all, water diversions must be curtailed in order of water right priority.”
- [Order WR 2009-0033](#) (May 19, 2009): The Board issued the order approving a change in the place of use of licenses and permits of the Department of Water Resources (DWR) and the United States Bureau of Reclamation (Reclamation) in response to **drought conditions**. On February 27, 2009, Governor Schwarzenegger proclaimed a State of Emergency to exist within California and directed DWR and other entities to take immediate action to address the serious drought conditions and water delivery limitations that currently exist in California. In response to the Governor's **Drought** Emergency Proclamation, on March 20, 2009, DWR and Reclamation filed a joint petition to consolidate the places of use of the SWP and CVP to allow transfers and exchanges between the SWP and CVP.

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